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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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DEMETRIUS WRIGHT,	:	<u>ECF CASE</u>
	:	
Plaintiff, on behalf of himself	:	08-CV-3172 (DC)
and all others similarly situated,	:	
	:	
- against -	:	<u>DEFENDANT'S NOTICE</u>
	:	<u>OF MOTION TO DISMISS</u>
	:	
BRAE BURN COUNTRY CLUB, INC.,	:	
	:	
Defendant.	:	
-----	X	

PLEASE TAKE NOTICE that pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and upon the reading and filing of the annexed Affidavit of Peter M. Panken, sworn to on May 5, 2008 with exhibits, the Affidavit of Maria Conte, sworn to on May 3, 2008 with exhibits, and Defendant Brae Burn Country Club, Inc.'s Memorandum of Law in Support of its Motion to Dismiss Plaintiff's Complaint, Defendant Brae Burn Country Club, Inc., ("Brae Burn"), by and through the undersigned counsel, will move this Court before the Honorable Denny Chin as soon as counsel may be heard, for an Order (a) dismissing the claims of Plaintiff Demetrius Wright under the Fair Labor Standards Act ("FLSA") for lack of subject matter jurisdiction or, where applicable, for failing to state a claim upon which relief can be granted; (b) declining to exercise supplemental jurisdiction over his state law claims; and (c) granting Brae Burn such other and further relief as this Court deems just and proper.

New York, New York
May 5, 2008

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

By: s/Peter M. Panken
Peter M. Panken
Tracey A. Cullen

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